

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN RE THE APPLICATION FOR)
CERTIFICATE OF TERRITORIAL)
AUTHORITY TO RENDER)
SEWAGE DISPOSAL SERVICE IN)
A RURAL AREA IN FLOYD)
COUNTY, INDIANA,)
THIENEMAN ENVIRONMENTAL,)
LLC, APPLICANT)

FILED

JAN 13 2005

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42670

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

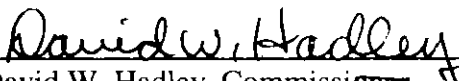
On June 14, 2004, Thieneman Environmental, LLC ("Petitioner") filed an Application for a Certificate of Territorial Authority ("CTA") with the Indiana Utility Regulatory Commission. A Prehearing Conference in this Cause was held in Room E306 of the Indiana Government Center South, Indianapolis, Indiana at 10:30 a.m. on August 24, 2004. On September 22, 2004, the Commission issued a Prehearing Conference Order in this matter. Pursuant to the terms of the Prehearing Conference Order the Petitioner was to prefile its case in chief testimony on or before October 4, 2004. The Office of the Utility Consumer Counselor ("OUCC") was to prefile its case in chief testimony on or before December 2, 2004, and the Petitioner was to prefile rebuttal testimony on or before December 16, 2004. An Evidentiary Hearing in this matter was scheduled for January 4, 2005, in Room E306 the Indiana Government Center South, Indianapolis, Indiana.

Since the issuance of the Prehearing Conference Order the Petitioner has requested an extension of the procedural schedule on five (5) separate occasions. The last request for extension was filed on December 20, 2004, in which the Petitioner belatedly requested an extension of time until December 23, 2004, (from December 13, 2004) in which to prefile its case- in-chief testimony. On that same day, the Petitioner also filed a Motion to Continue Hearing.

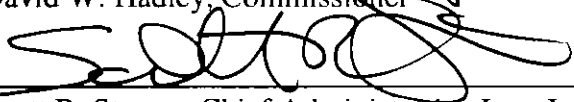
On December 30, 2004, the Commission issued a Docket Entry granting the Motion to Continue Hearing and rescheduled the Evidentiary Hearing for February 3, 2005, at 1:30 p.m. in Room E306 of the Indiana Government Center South, Indianapolis, Indiana. The Presiding Administrative Law Judge noted in the Docket Entry that this matter had been repeatedly continued and that no further continuances or extensions of time will be granted absent good cause shown pursuant to a verified application.

The Presiding Officers note that despite several extensions of time, the Petitioner has failed to submit its prefiled case in chief testimony, which has placed subsequent prefiling dates in limbo. Therefore, the Evidentiary Hearing scheduled in this Cause for February 3, 2005, is hereby VACATED. The parties are hereby instructed to confer and submit a revised procedural schedule to the Commission on or before January 21, 2005. If the Petitioner is not prepared to proceed with this matter it should independently advise the Commission of this fact on or before January 21, 2005. If the parties fail to submit a proposed procedural schedule on January 21, 2005, or the Petitioner indicates that it is unable to proceed with this Cause without further delay, the Commission may take steps to dismiss this matter without prejudice pursuant to the provisions set forth in 170 IAC 1-1.1-24.

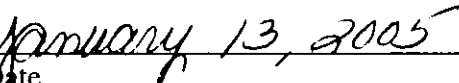
IT IS SO ORDERED.



David W. Hadley, Commissioner



Scott R. Storms, Chief Administrative Law Judge



Date